Infant Marriage.

Police

File no 31 — 97.

83 3, 6, 9, 10, 45 & 47

Indexed.

Ernest Darcy.

SUBJECT.

Prosecution of the parties concerned
in an infant marriage that took
place at Dungadakalli, Mudgere
Taluk between Gopamma and
Padmanabhabhatta

Mysore Government Central Press, Bangalore.—8-5-93.—2,000.

Form No. 3.

S-IV No. 44

FACING SHEET FOR FILE.

_____ Branch.

SUBJECT.

Prosecution of the parties concerne
: an infant marriage that took
lace at Dengadakalli, Mudgere
aluk between Gopamma and
admanabhabhatta

OFFICE OF THE
1469
17. AUG 1897
DEWAN OF MYSORE.

F. 25 /

1/1

From

The Inspector General of Police
in Mysore.

To

The Secretary to the Govt. of Mysore,
General and Revenue Depts.

SECTION Police

FILE No. 31-97

SERIAL No. 3

Dated 14th

Despatched 16th August 1897.

Received 17

General No. 636

No. 70

Enclosure No. 1 & a file.

Requesting to accord sanction to prosecute the parties concerned in an infant marriage that occurred on the 10th December 1896 at Durgadahalli in the Hudgere Taluk.

J 17.8.97

Submitted with a Copy of the Infant Marriage Regulation
18/8. 1898

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSOR

No. 636/70 Date Bangalore 14th August ....1897.

Enc. one to file

FROM

THE INSPECTOR GENERAL OF POLICE IN MYSORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to for-
=ward herewith Copy of letter No. 48 of the 26th
Ultimo from the Deputy Commissioner, Kadur,
reporting on the occurrence of an infant
marriage at Durgadahalli in the Mudgéré
Taluk on the 10th December 1896.

2. The Police enquiry shews that
the parties are Chitparan Brahmins of South
Canara, that Gopamma, a girl aged 7 years,
7 months and 14 days and daughter of

Ramakrishnaya, Pujari of a temple in Hegur village, was given in marriage to one Padmanabhabhatta, aged 18 years, 6 months and 28 days and brother of Govindabhatta, a worshipper in the Bhyré Devaru temple at Durgadahalli and that the marriage was celebrated in the Bhyré Devaru temple at Durgadahalli on the night of the 10th December 1896. The horoscopes of the bride and the bridegroom kept in the records show that the bride was born on the 26th April 1889 and the bridegroom on the 13th May 1878. The parties are natives of the South Canara District, but the parents of the bride and the brother of the bridegroom and the bridegroom are now living in this Province. The parents of the bridegroom attended the marriage and then returned to their native place.

3. The Deputy Commissioner recommends the prosecution of the marginally noted persons for an offence under Section 3 of Regulation No. X of 1894 and I beg that sanction may be accorded to prosecute them. The vernacular records of the case together with the Head Quarter Inspector's report are herewith forwarded for perusal and obliging return.

I have the honor to be,
Sir,
Your most obedient servant,

M. Ramakrishna Rao
Inspector General
of Police.

2. Annapurnamma - wife of the above. (Parents of the bride)
3. Padmanabhabhatta, the bridegroom.
4. Govindabhatta, brother of the bridegroom.

Encl to 8d3

No. 48
Enc. 1 file

Deputy Commissioner's Office
Kadur District
Dated 26th July 1897.

From

The Deputy Commissioner,
Kadur.

To

The Inspector General of Police
in Mysore.

Sir

I have the honor to report a case of Infant marriage which took place on the 10th December 1896 at Durgadahalli in the Mudigere Taluk between Padmanabha Bhatta and Gopamma, Chitpavan Brahmins of South Canara.

According to the horoscopes of the married couple produced in the case, the former Padmanabha Bhatta was born on the 12th day of Vaisakha Suddha of the year Bahudanya corresponding to 13th May 1878, and the latter Gopemma was born on the 12th day of Chaitra Bahula of the year Virodhi corresponding to 26th April 1889.

It will be seen from the above that at the time of marriage the bridegroom

ridegroom Padmanabha Batta had completed 18 years of age while the bride Gopamma was still within the prescribed age viz: 8 years.

This marriage is clearly opposed to the provisions of Section 3 of the Mysore Infant Marriages Prevention Regulation X of 1894.

The parents and other relations of both parties were present during the marriage. The father of the bride Gopemma is one Ramakrishnaya the Pujari of a temple in the Megur village, Mudigere Taluk.

Ramakrishnaya states that he is a resident of Keravasi village in the Udupi Taluk and came to Megur about 4 years ago, that his daughter Gopemma was married to one Padmanabha Bhatta in the month of Margasira, that the parents of the bridegroom viz: Narayana Bhatta and his wife Amba Bayee who reside in Muvidaji village, Uppinangadi Taluk also attended the marriage, that the horoscope

produced

produced by him is that of his daug. Gopemma and that he did not know at the time that this marriage was opposed to any Law or Regulation.

Govinda Bhatta, elder brother of the bridegroom Padmanabha Bhatta states that he has been a worshipper in the Bhyrè Devara temple in Durga -dahalli, Mudigere Taluk, for the past 7 or 8 years, that his parents visit him now and again from South Canara, that his brother Padmanabha Bhatta was married to one Gopemma daughter of Ramakrishna Bhatta on 10th December 1896 corresponding to 6th day of Margasira Suddha of the Hindu year Durmukhi, that he was present during the marriage and that the horoscope produced by him is that of his married brother Padmanabha Bhatta.

Note - By referring to the Diary book of Govinda Bhatta, it is observed that a note is made by him in pencil under date 10th December 1896

to

the effect" ಎಂಬ ಪದಗಳ ಅರ್ಥ ಏನು

Annapoornamma wife of Ramakrishna Bhatta admits the marriage of her daughter Gopemma with Padmanabha Bhatta.

Veerappa Gowda, Patel Muddappa Gowda of Durgadahalli, Kalale Gowda, Patel of Megur village and several others also speak to the marriage having been celebrated at midnight in the month of Margasira in a temple on the hills.

It will be noted that the parties to the marriage and their relatives are British subjects temporarily resident for the most part in this portion of the Territories of Mysore.

This circumstance having in view the preamble of the Act (viz: Whereas it is expedient to prevent Infant marriages in the Territories of Mysore) is probably immaterial.

Assuming that this view is correct, I have the honor in forwarding the records of enquiry, to request you.

to be so good as to obtain the sanction of Government under Section 8 of Regulation X of 1894 for the prosecution of the following persons concerned in the case viz:

1	Ramakrishna Bhatta	Parents of the bride Gopemma
2	Annapoornamma (wife of No. 1)	
3	Padmanabha Bhatta	Bridegroom
4	Govinda Bhatta.	

The names of the parents of the bridegroom are not included in the above list as they are not now in Mysore and are permanent residents in South Canara.

I have &c

(Signed) J. Weir
Deputy Commissioner
Kadur District.

"Copy"

M. Venkatarama Rao
Inspector General of Police

10

(2)

No: 3064 / 343 dated 3-9-97
one: 2 d file

SECTION Po---
FILE No. 31-97
SERIAL No. 6

To The Government Advocate
Bangalore

Sir

I am directed to forward for your perusal letter No 636 dated the 14th ultimo from the Inspector General of Police in Mysore with its enclosures in original and to request that you will be so good as to favour this office with your opinion as to whether having regard to the fact of the parties referred to therein being natives of South Canara, a prosecution can be maintained against them under the Mysore Infanticide Prevention Regulation

I have &c

C
2/19/97
Secretary

to be returned when no longer required

Letter No. 686/70 dated 14th August 1897 from the Inspector General of Police in Mysore to the Secretary to the Dewan of Mysore

GOVERNMENT OF MYSORE

2 a

Sir,

I have the honor to forward herewith copy of letter No. 48 of the 26th Ultimo from the Deputy Commissioner Kadur, reporting on the occurrence of an infant marriage at Durgadahalli in the Mudgere Talluk on the 10th December 1896.

2. The Police enquiry shows that the parties are Chitpavan Brahmins of Sonthlavara, that Lopamma, a girl aged 7 years, 7 months and 14 days and daughter of Ramakrishnayya, Pujari

of

of a temple in the Megur vil-
lage, was given in marriag
to one Padmanabhabatta
aged 18 years, 6 months and
28 days and brother of Govin-
dabhatta, a worshipper in
the Bhyre Devaru temple
at Durgadahalli and
that the marriage was
celebrated in the Bhyre
Devaru temple at Durga-
dahalli on the night of
the 10th December 1896. The
horoscopes of the bride and
the bridegroom kept in
the records show that the
bride was born on the 26th
April 1889 and the bride-
groom on the 13th May 1878.
The parties are natives
of the South Canara Dis-
trict, but the parents
of the bride and the brother

of the bridegroom and the bridegroom are now living in this Province. The parents of the bridegroom attended the marriage and then returned to their native place.

3. The Deputy Commissioner recommends the prosecution of the marginally noted persons for an offence under section 39 Regulation No. X of 1894 and he begs that sanction may be accorded to prosecute them. The vernacular records of the case together with the Headquarter Inspector's report are herewith forwarded for perusal and obliging return.

I have &c.

(Sd) V. P. Madhavan

Inspector General of Police

For Secretary Compd.

"le copy"

1. Kanna Kuchikaran alias
2. Ahmad Kunhi (Parents of the bridegroom)
3. Kadumadathil Kattil Ahmad (Parents of the bride)
4. Govindalath Kattil Kuttan brother of the bride

General Serial No. 30.

J 380 14

(3)

89
OFFICE OF THE
2348
1 SEP 1897

SECTION Police

FILE No. 31—97

SERIAL No. 8

From The Government Agent
in Mysore

To The Secretary to the
Government of Mysore.

Dated 9th September 1897

Despatched

Received [illegible]

Enclosures No. 29 file

General No. 58
No.

Submitting opinion as
to maintaining a prosecu-
tion against certain
individuals under the
Mysore Infant Marriage
Prevention Regulation
No X of 1894.

J 11-9-97

Refer put up JJ

13/9/97

Sub. to the Secretary JJ 13/9/97

7229 Subd to 14 Cr with a draft
sanctioning the prosecution
The prosecution recommended
to be sanctioned. The draft is in Petn of Govt

14/9/97

No 56
En: No 281/file

Office of the Government Advocate
in Mysore
Bangalore September
1897.

(3)

From

The Government Advocate
in Mysore

To

The Secretary to the
Government of Mysore
General & Revenue Departments.

Sir,

In reply to your letter No 3064/2343 dated 3rd Instant, I am of opinion that a prosecution may be maintained against the parties mentioned in the letter under reply under the Mysore Inquest Marriage Prevention Regulation No X of 1894. I quote the Extracts from the following

following Authorities on the Subject

On Whom Laws are binding

"Laws promulgated by the Supreme
"Power of a State are binding through
"out the Whole of such State, and
"are applicable as well to persons
"as to things. Those who are Subject
"generally to that Supreme Power
"are everywhere bound by such
"Laws; but foreigners are only
"bound thereby so long as they
"remain in that State."

Vide Lindley on Jurisprudence Page 23.

Whom Laws bind

Foreigners, whilst in this Country
are clearly bound by our Laws"

Vide Do. Appendix P.

"Every person is bound to be

Do. at page 21.

acquainted

acquainted with and so consequently
to be treated as if he knew the laws
to which he is subject. Hence -
In matters Criminal, not even
a foreigner can avoid the con
sequences of his own act done here,
although by the laws of his own
Country it be no crime.

A party not a member
of a given independent Community
but living within its territory and
within the jurisdiction of its sov
ereign is bound or obliged, to a
certain limited extent by its
positive law. Living within the
territory he is obnoxious to the
legal sanctions by which the
Law is enforced. And the
legal duties imposed upon him
by

" by the Laws are consistent with the
" Sovereignity of the foreign Government
" of which he is properly a Subject.
" For the duties are not imposed
" upon the foreign Government
" itself, or upon a party within
" it's independent Community: Vide Hautins Jurisprudence Vol I Fifth Edition p. 332
" Nor are they laid upon the
" obliged party as being one of
" it's Subjects, but as being a
" Member, to certain limited
" purposes, of the Community
" wherein he resides."

We file together with it's
Enclosures is herewith returned.

I have the honor to be
Sir,
Your most obedient Servant.

S Ramiahwamier
Government Advocate

SECTION Police

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

FILE No. 31-97

SERIAL No. 10

READ—

Letter No. 636 dated 14th August 1897

from the Inspector General of Police in Mysore.

reporting that on the 10th Dec 96 an infant girl of the age of 7 years, 7 months and 14 days named Gopamma, the daughter of one Ramakrishnaiya of Hegur

was married to one Padmanabhabhatta, the brother of one Govindabhatta,

at Durgadahalli in the Hudigere Taluk

ORDER THEREON No. 3500-1 DATED 16-9- 1897

J 405 one: 14 file

Under the provisions of section 8 of Regulation X of 1894, the Government are pleased to direct the prosecution, for offences under section 3 of the Mysore Infant Marriages Prevention Regulation, of ~~all~~ the marginally noted persons who caused the marriage of the infant girl named Gopamma with a ~~man boy~~ named Padmanabhabhatta ~~and of all persons who knowingly aided and abetted the same~~, and of the said husband Padmanabhabhatta.

Ramakrishna bhatta & Annapurnamma Parents of the bride

Govinda bhatta brother of the bridegroom.

15-9

General Secretary.

14/9/97

To

The Deputy Commissioner, Kadur District.
The Inspector General of Police in Mysore, returning the proceedings received with the letter read above.

J 1143 20

1898. 7509
2-3-98

From

The Inspector General of Police
in Mysore.

To

The Secretary to the Govt. of Mysore,
General and Revenue Depts.

SECTION Police

FILE No. 31-97

SERIAL No. 45

Dated 28th February } 1898.
Despatched 1st March }

Received 2 — " ——

General No. 3095

No. 359

Enclosure No.

Reporting the conviction and Sentence passed on the parties concerned in an Infant marriage that took place at Durgadahalli in the Mudgere Taluk.

9/2/3/98

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSORE

No. 3095/359 Dated 28th February 1898.

Encl.

FROM

THE INSPECTOR GENERAL OF POLICE IN MYSORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

With reference to Government Proceedings No. 3500-1/405 dated 16th/6th September 1897 sanctioning the prosecution of the parties concerned in an infant marriage that took place at Durgadahalli in the Mudgere Taluk, I have the honor to report that the case was tried by the District Magistrate, Kadur, and that the

marginally noted 4 accused persons were Convicted and sentenced to pay a fine of Rs 5/- each, in default to undergo one week's simple imprisonment.

I have the honor to be,
Sir,
Your most obedient servant

1. Wamakrishna Bhat.
2. Annapurnamma.
3. Padmanabha Bhat.
4. Govinda Bhat.

[signature]
Inspector General
of Police

Has Havanur
Has the punishment been noted in
the Register
DRR
28/3/98
Noted
DRR
-11-98

SECTION Police

FILE No. 31-97

SERIAL No. 47

1 Ramakrishnabhatta
2 Annapurnamma
3 Padmanabhabhatta
4 Govindabhatta.

Read,

Letter no 3095/359 dated the 28th February 1898, from the I.G. of Police in Mysore, stating with reference to Govt Pro No 3500-1/J405 dated 7th Sept 1897, sanctioning the prosecution of certain parties concerned in an infant marriage that took place at Bungadahalli in the Mudigere T that the marginally noted persons were sentenced to pay a fine of Rs 57 each and ~~that~~ in default to undergo ~~such fine~~ one week simple imprisonment

Order thereon

No 11207/1221 dt 11-3-98.

Recorded.

(Vide Mysore Gazette case of [illegible] of [illegible] Taluk)

9/3/98

9/3/98

Secy

To

The I. G. of P. Offices in Mysore.